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10/822,244	04/08/2004	Matthew Allen Johnson	200314018-1	1783

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EXAMINER
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LEE, JINHEE J

ART UNIT	PAPER NUMBER
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2174

MAIL DATE	DELIVERY MODE
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06/29/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	10/822,244 Examiner Jinhee J. Lee	JOHNSON Art Unit 2174

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on \_\_\_\_\_.  
 2a) This action is **FINAL**.                    2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-31 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1-31 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |                                                                                      |                                                                   |
|--------------------------------------------------------------------------------------|-------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____                                                          | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 18-26 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 18 does not recite "comprising" and is confusing. It is unclear as to which is the meat of the claim and which is the preamble. Clarify.

### ***Claim Rejections - 35 USC § 101***

3. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

4. Claims 1-18 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Claims 1-17 are directed to a computer implemented method of calculation where the inputs are numbers and the results are also numbers. Claim 18 is directed to a computer program stored in a computer readable storage medium for implementing the method. In order for a claimed invention that is directed to such a computer implemented method of calculation, or a computer program stored in a computer readable storage for implementing a computation to be statutory, the claimed invention must accomplish a practical application. That is the claimed invention must transform an

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article or physical object to a different state or thing, or produce a useful, concrete and tangible result. State Street, 149 F.3d at 1373-74, 47 USPQ2d at 1601-02. Also see "Interim Guidelines for Examination of Patent Applications for Patent Subject Matter Eligibility", OG Notices: 22 November 2005. It is clear from claims 1-18 that the claims merely involve calculations and manipulations of data in performing computations. The claimed invention does not result in a physical transformation. The inputs are numbers and the outputs are also numbers. The result of the invention is merely numerical values without a practical application recited in the claims. It is not real world result, and thus is not useful, concrete and tangible. Therefore, the claimed invention is directed to non-statutory subject matter as the claims fail to assert a practical application to the invention.

***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 1-18, 21-26 are rejected under 35 U.S.C. 102(e) as being anticipated by Worden (2003/0149934).

Re claim 1, Worden discloses a method of arranging objects to be displayed within windows forming the graphical user interface, the method comprising:

defining attributes of the objects (see paragraph 0328 for example); and

arranging the objects as a function of the defined attributes of the respective objects (see paragraph 0375 for example).

Re claim 2, Worden discloses a method wherein defining attributes of the objects comprises assigning attributes to the objects to define hierarchical relationships among the objects (see paragraph 0328 and 0375 for example).

Re claim 3, Worden discloses a method wherein assigning attributes to the objects comprises assigning attributes to the objects responsive to user inputs (see paragraph 0324 for example).

Re claim 4, Worden discloses a method wherein the objects include widgets (see figures 73 and 77 for example).

Re claim 5, Worden discloses a method wherein the widgets include buttons, dialog boxes, pop-up windows, pull-down menus, icons, scroll bars, resizable window edges, progress indicators, selection boxes, windows, tear-off menus, menu bars, toggle switches, and forms (see figures 73, 74, 78 for example).

Re claim 6, Worden discloses a method wherein one of the attributes assigned to each object comprises a style attribute and wherein the objects are arranged within the window according to the assigned style attributes (see figures 73 and 77 for example).

Re claim 7, Worden discloses a method wherein each window further comprises a plurality of containers and wherein the method comprises defining attributes of objects within each container and arranging the objects within the container as a function of the defined attributes (see figures 73, 77 and 78 for example).

Re claim 8, Worden discloses a method further comprising defining a style attribute for each container and arranging the objects within the container as a function of this defined style attribute (see figures 73, 77 and 78 for example).

Re claim 9, Worden discloses a method further comprising defining attributes of each container to be displayed within a given window and arranging the containers within the window as a function of these attributes (see figures 73 and 77 for example).

Re claim 10, Worden discloses a method further comprising: after arranging the objects, deleting selected ones of the objects in the window; and after deleting the selected ones of the objects, once again arranging the objects as a function of the defined attributes of the remaining objects (see paragraph 0471 for example).

Re claim 11, Worden discloses a method wherein defining attributes of the objects comprises identifying relationships among objects defining attributes of the objects responsive to user inputs (see paragraph 00451 and 0452 for example).

Re claim 12, Worden discloses a method of arranging widgets being displayed within windows forming the graphical user interface, the method comprising: selecting widgets to be placed within respective windows; assigning characteristics to the selected widgets that establish relationships among the widgets; and arranging the

widgets within each window as a function of the assigned characteristics (see figures 73, 77 and 78 and paragraph 0375 for example).

Re claim 13, Worden discloses a method wherein the widgets include buttons, dialog boxes, pop-up windows, pull-down menus, icons, scroll bars, resizable window edges, progress indicators, selection boxes, windows, tear-off menus, menu bars, toggle switches, and forms (see figures 73, 74 and 78 for example).

Re claim 14, Worden discloses a method further comprising wherein assigning characteristics of the selected widgets comprises assigning characteristics to the selected widgets to define hierarchical relationships among the widgets (see paragraph 0375 and figures 73, 77, 78 for example).

Re claim 15, Worden discloses a method wherein one of the characteristics assigned to each widget comprises a style characteristic and wherein the widgets are arranged within the window according to the assigned style characteristics (see figures 73 and 77 for example).

Re claim 16, Worden discloses a method wherein each window further comprises a plurality of containers and wherein the method comprises assigning characteristics of selected widgets within each container and arranging the widgets within each container as a function of the defined characteristics (see figures 73, 77 and 78 for example).

Re claim 17, Worden discloses a method further comprising assigning characteristics of each container to be displayed within a given window and arranging

the containers within the window as a function of these characteristics (see figures 73, 77 and 78 for example).

Re claim 18, Worden discloses a computer-readable medium having stored thereon a layout builder program for arranging objects to be displayed within windows of a graphical user interface by performing the operations of: defining attributes of the objects; and arranging the objects as a function of the defined attributes of the respective objects (see paragraph 0328 and 0375 for example).

Re claim 21, Worden discloses a computer-readable medium wherein defining attributes of the objects comprises assigning attributes to the selected objects to define hierarchical relationships among the objects (see paragraph 0328 and 0375 for example).

Re claim 22, Worden discloses a computer-readable medium wherein the selected objects include widgets (see figures 73 and 77 for example).

Re claim 23, Worden discloses a computer-readable medium wherein the widgets include buttons, dialog boxes, pop-up windows, pull-down menus, icons, scroll bars, resizable window edges, progress indicators, selection boxes, windows, tear-off menus, menu bars, toggle switches, and forms (see figures 73, 74 and 78 for example).

Re claim 24, Worden discloses a computer-readable medium wherein each window further comprises a plurality of containers and wherein the method comprises defining attributes of selected objects within each container and arranging the objects within each container as a function of the defined attributes (see figures 73, 74 and 78 for example).

Re claim 25, Worden discloses a computer-readable medium further comprising defining attributes of each container to be displayed within a given window and arranging the containers within the window as a function of these attributes (see figures 73 and 77 for example).

Re claim 26, Worden discloses a computer-readable medium wherein one of the attributes assigned to each object comprises a style attribute and wherein the objects are arranged within the window according to the assigned style attributes (see figures 73, 77 and 78 for example).

***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 19, 20, 27-31 are rejected under 35 U.S.C. 102(e) as anticipated by Worden or, in the alternative, under 35 U.S.C. 103(a) as obvious over Worden in view of H. Runge et al. (2004/0088208).

Re claim 19, Although Worden does not explicitly disclose wherein the computer-readable medium comprises an optical disk, Worden does imply that the computer program to be used with a computer, and that the program would be stored in an optical disk. Therefore, it is believed that Worden's medium meets the claimed limitation.

Alternatively, H. Runge et al. teaches of computer-readable medium that comprises an optical disk (see paragraph 0106 for example). It would have been obvious to one having ordinary skill in the art at the time the invention was made to use the optical disk as the computer-readable medium with the medium of Worden in order to provide the storage capability for the computer program.

Re claim 20, Although Worden does not explicitly disclose a computer-readable medium wherein the optical disk comprises a compact disk, Worden does imply that the computer program to be used with a computer, and that the program would be stored in a compact disk. Therefore, it is believed that Worden's medium meets the claimed limitation.

Alternatively, H. Runge et al. teaches of a computer-readable medium wherein the optical disk comprises a compact disk (see paragraph 0106 for example). It would have been obvious to one having ordinary skill in the art at the time the invention was made to use the computer-readable medium wherein the optical disk comprises a compact disk with the medium of Worden in order to provide the storage capability for the computer program.

Re claim 27, Worden discloses a layout builder program being operable to define attributes of objects to be displayed within a window of a graphical user interface and further operable to arrange the objects within the window as a function of the defined attributes of the respective objects (see paragraph 0375 and figures 73, 77 and 78 for example). Although Worden does not explicitly disclose a computer system, comprising: an input device; an output device; and computer circuitry coupled to the

input and output devices and operable to execute a layout builder program, Worden does imply that the computer program is to be used with a computer, and that the computer would have a input and output device and computer circuitry. Therefore, it is believed that Worden's system meets the claimed limitation.

Alternatively, H. Runge et al. teaches of a computer system, comprising: an input device; an output device; and computer circuitry coupled to the input and output devices and operable to execute a layout builder program (see paragraph 0106 for example). It would have been obvious to one having ordinary skill in the art at the time the invention was made to use the computer system, comprising: an input device; an output device; and computer circuitry coupled to the input and output devices and operable to execute a layout builder program in order to communicate with and display the GUI and the computer program.

Re claim 28, Although Worden does not explicitly disclose a computer system further comprising data storage devices coupled to the computer circuitry, Worden does imply that the computer program is to be used with a computer, and that the computer would have a data storage device coupled to the computer circuitry. Therefore, it is believed that Worden's system meets the claimed limitation.

Alternatively, H. Runge et al. teaches of a computer system further comprising data storage devices coupled to the computer circuitry (see paragraph 0106 for example). It would have been obvious to one having ordinary skill in the art at the time the invention was made to use a computer system further comprising data storage devices coupled to the computer circuitry in order to store the computer program.

Re claim 29, Worden discloses a computer system wherein the layout builder program is operable in response to user inputs from the input device to assign attributes to the objects that define hierarchical relationships among the objects (see paragraph 0324, 0328, 0375 for example).

Re claim 30, Worden discloses a computer system wherein the layout builder program is operable to assign a style attribute to each object and is further operable to arrange the objects within the window according to the assigned style attributes (see figures 73, 77 and 78 for example).

Re claim 31, Worden discloses a computer system wherein the layout builder program is further operable in response to user inputs from the input device to delete selected objects in the window and to thereafter arrange the remaining objects as a function of the defined attributes of the remaining objects (see paragraph 0324 and figures 73, 77 and 78 for example).

### ***Conclusion***

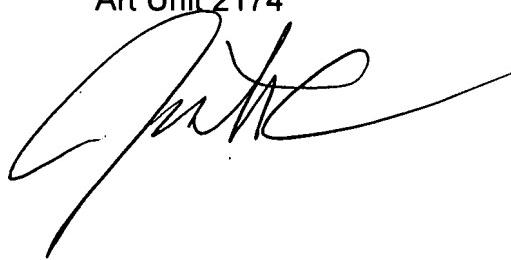
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jinhee J. Lee whose telephone number is 571-272-1977. The examiner can normally be reached on M- F at 8:30AM-5PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kristine Kincaid can be reached on 571-272-2100 ext. 74. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Jinhee J Lee  
Primary Examiner  
Art Unit 2174

jjl

A handwritten signature in black ink, appearing to read "Jinhee J Lee".